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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 24, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSEFINA C.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-cv-03136-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 16, 21

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 21, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney David Burdett represents Defendant.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the

4 Commissioner of Social Security for further administrative proceeding pursuant to

5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing and further develop
9 the record;
- 10 • Obtain medical expert testimony from a qualified pediatrician or
11 specialist in an appropriate field of medicine who has reviewed the
12 record in its entirety;
- 13 • Reevaluate the opinion evidence;
- 14 • For the period prior to the date Plaintiff attained age 18, reevaluate
15 whether the severity of Plaintiff's impairments met or medically
16 equaled the criteria of a listed impairment or functionally equaled the
17 listings; and
- 18 • Issue a new decision.

19 See ECF No. 21 at 1-2.

20 3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, ECF No. 16, is **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court will consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, enter **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED June 24, 2022.

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES DISTRICT JUDGE